

THE HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.9138 of 2005

Between:

Sri Vijayalakshmi On line Agency, Guntur rep. by its Proprietor
R.Venkateswarlu S/o Lakshmaiah, 46 years, R/o Guntur.

....Petitioner

AND

D.I.G., Guntur Range, Guntur and others

...Respondents

Counsel for the Petitioner : Sri Challa Dhanamjaya

Counsel for Respondents : Government Pleader for Home

Dated 19/7/2006

ORDER:

This writ petition has been filed by the petitioner, an Online Agency, seeking a writ of *Mandamus* to declare the action of the respondents in interfering with the petitioner's possession and lawful activities in the premises bearing Door No.23-4-83, Market Bazar, Lalapeta, Guntur as illegal and arbitrary and violative of Article 19(1)(g) and 21 of Constitution of India.

According to the petitioner, he has been doing business by installing internet connection paying necessary charges to the service providers and he has been selling Kisan Vikas Patra, Indira Vikas Patra, Mobile Pre-paid Cards and conducting online lotteries, games etc., in the premises bearing Dr.No.23-4-83, Market Bazar, Lalapeta, Guntur between 10 a.m and 10 p.m and he has been paying the local and other taxes to the authorities concerned. The petitioner complains that the respondents and their subordinates have been frequently visiting his shop and threatening him to close the shop, without disclosing any reason, though the petitioner has been conducting his business without violating any provision of law nor creating any law and order problem. The petitioner, therefore, alleges that the unauthorized interference by the respondents and their subordinates with the lawful activities of the petitioner is violative of Article 19(1)(g) and 21 of Constitution of India besides being arbitrary and illegal. He therefore filed writ petition seeking to restrain the respondents from interfering with the peaceful conduct of business by him.

The respondents filed a counter denying that they ever visited the shop or threatened the petitioner with any consequences. According to them, the petitioner filed this writ petition to get some order from the Court and under the guise of the said order; he intends to carry on illegal activities so that the respondents may not take any coercive steps to prevent such activities.

Arguments of leaned counsel for both sides were heard and perused the records.

Except making a bald averment in the affidavit that the respondents and their subordinates have been visiting the petitioner's shop and threatening him to close down the shop, the affidavit does not disclose any specific instances with details regarding any such alleged interference by the respondents with the petitioner's business activity. If really, the petitioner had been conducting lawful business activity in a peaceful manner in his shop, there is nothing for him to fear about. In the absence of any material to show the actual interference with his business by the respondents, the allegations made in the affidavit remains a mere apprehension, which have no factual basis.

In W.P.M.P.No.12024 of 2005, this Court passed an interim order on 25.04.2005 as follows:

"There shall be interim direction to the respondents not to interfere with the petitioner's lawful activities. However, this order does not preclude the respondents to inspect and cause enquiry against the petitioner in case any credible information is received about unlawful activities".

In the light of the above interim orders, nothing remains to be decided in this writ petition. The writ petition is, therefore, disposed of, with a direction to the respondents not to interfere with the petitioner's

lawful activities in his shop, but, however, making it clear that the respondents would be at liberty to inspect the petitioner's shop and make necessary enquiries in the event of any credible information being received about any unlawful activities conducted therein and to take necessary action in accordance with law. No order as to costs.

G.V.SEETHAPATHY, J

19th July 2006
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